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Legal Dept-

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Subject:—

Rules and Notifications

under the Cinematograph

Act, 1918

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R.I.No. 8930 dated 19.10.44.

Submitted.

This file relates to the measures to be taken for preventing (a) increase in rates of admission to, and (b) upgrading of seats in, Cinema Theatres. The ball was set rolling in view of the criticism in the press which Mr.C.C. Desai first brought to the notice of Government(Vide page 1 ante). On inquiring of the Commissioner of Police, it was pointed out that usual rates were increased on few occasions when popular films like the "Black Swan" were shown. The Commissioner of police suggested that no action was necessary excepting a warning to the cinema owners. It however appears that the F.D.(Supply) issued a press note in the matter (P.17 supra).x The D.S.H.D. solved this question as to which Department should take up this matter by the accepting the transfer of the case to H.D. Attention is invited to the noties at page 30-33 ante. It has been decided that there should be no changing of the price of seats without notice to Government or District Magistrate etc. as the case may be. Government therefore proposes to regulate the rates at cinema shows including the grading of seats. The R.L.A. is requested to state if any rules or regulations can be made to secure this; and if no rules can be made, the R.L.A. is requested to state how best the law could be amended to secure the object.

2 There is no provision in the Defence of India Rules under which it would be feasiblex to regulate the rates at cinema shows including the grading of seats. Rule 81(2)is applicable when it appears to be necessary or expedient to the Provincial Government for securing the defence of British India or the efficient prosecution of war or maintaing supplies and services essential to the life of the community, Obviously no order under this rule can be made for regulating rates at cinema shows including grading of seats thereat.

Similarly the Hoarding and profiteering prevention Ordinance, 1943,does contain only provision under which profiteering by cinema owners by raising usual rates and upgrading of

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seats can be prevented.

3. Section r of the Cinematograph Act, 1918 provides that no person shall give an exhibition by means of a cinematograph Act, 1818, provides that no person shall give an exhibition by means of a cinematograph eles where than in a place licensed under the said Act or otherwise than in compliance with any conditions and restrictions imposed by such license. Section 4 of the said Act specifies the licensing authority. Sub-section(3)of section 5 provides that subject to the foregoing provisions of that section and to the control of the Provincial Government, the licensing authority may grant licenses under the said Act to such persons as it thinks fit and on such terms and conditions and subject to such restrictions as it may determine. Rule(1) published in GN.H.D.No.6141 dated the 24th june 1921 provides that no license under the said Act shall be granted unless the place to be used for cinematograph exhibitions shall have been previously licensed under rules Sec.259 of the rules for the licensing, Controlling, keeping and rule 2 of the rules for licensing and controlling theeatres and regulations of places of public amusement made by the District Magistrate

Made by the Commissioner of Police, Bombay, under section 22(1) under section 39A of the District Police Act, 1890, as a place of the City of Bombay Police Act, 1902, as a place of public of public amusement.

Amusement. Rule (3) of the said rules provides that the license granted under rule (1)shall be in the form of Schedule Aappended to the said rules. A license form in Schedule A does not contain any conditions except that it seeks to provide that it has been given subject to conditions and restrictions laid down in the rules for licensing and controlling places of public amusement. Reading these provisions of the Act and the rules it appears that no license under the Cinematograph Act is given unless a promises license is already held by the applicant, under the Police Act concerned, Under sub-section(3)of section 5 of the Cinematograph Act, 1918, the licensing authority is competent to determine the terms and conditions and the restrictions subject to which a license may be given. It would therefore be competent under this provision for the licensing authority to provide in the license t the licensee shall not make any alteration in the rates of

in the rates of seats or upgrade any seats without the previous permission of the licensing authority. It would not however be feasible to regulate the rates of seats by inserting the necessary necessary condition to that effect. For this purpose a specific provision in the Act is necessary. If the condtion suggested above is inserted in the license, the licensees would not be in a position to enhance the rates of seats or upgrade them without first obtaining the permission of Government. Failure to obtain the permission will renderthe licensee liable to punishment under section 6(1) of the Cinematograph Act,1918.

4. Section 22(1) (f)of the City of Bombay Police Act, 1902 empowers the Commissioner of Police to make rules for licensing and controlling the keeping of places of public amusement or entertainment; clause(g)provides for regulating the means of entrance and exist at place of public amusement, entertainment and assembly and providing for the maintenance of public safety and the prevention of distrubances therein; and clause(h) provides for perescribing the procedure in accordance with which any license or permission sought to be obtained or required under the Act should be applied for and fixing fees to be charged for any such license or permission. Section 136(1) of the Act provides that any license granted under the provision of the said Act shall specify the period and locality for which and the conditions and restrictions subject which the same is granted. This provision empwoers to lay down the conditions and restrictions subject to which the license may bex granted. Under Rule 259 of the Rules for places of Public Amusement in the City of Bombay(1814) a license is necessary for opening any theeatre or any premises used for cinematograph exhibition; and rules 263 prescribes the form of license in Schedule B. In this license from under the heading "Brief description of "provision is made for specifying the number and name of different divisions of the auditorium and the number of persons each such division can accommodate; but this provision is not supported by any subtantive provision in the license. The license does not therefore seek to prohibit the upgrading seats. However, since section 136 of the Act provides for specifying conditions and restrictions in the license; it would